



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

REPUBLIC OF THE PHILIPPINES,
Petitioner,

G.R. No. 200772

- versus -

Present:

**RAMON G. ASUNCION,
 PEDRO G. ASUNCION,
 CANDIDA ASUNCION SANTOS,
 LEONORA ASUNCION HENSON,
 ARISTON G. ASUNCION, and
 ANNABELLE ASUNCION-PERLAS,**
Respondents.

**PERALTA, C.J.,
 CAGUIOA,
 CARANDANG,
 ZALAMEDA, and
 GAERLAN, JJ.**

Promulgated:

FEB 17 2021 *with notes*

X-----X

DECISION

GAERLAN, J.:

This is a petition for review on *certiorari* under Rule 45 of the Revised Rules of Court against the November 11, 2011 Decision¹ and the February 23, 2012 Resolution² of the Court of Appeals (CA) in CA-G.R. CV No. 89386, which affirmed the July 10, 2001 Decision³ of Branch 21 of the Regional Trial Court of Malolos, Bulacan, in LRC (Land Registration Case) No. 3681-M.

The spouses Felipe and Paciencia Gonzales Asuncion (the spouses Asuncion) were the registered owners of a parcel of land in Bambang, Bulacan,⁴ Bulacan. The parcel, which is located on the banks of the Wawang Dapdap River, has an area of 273,819 square meters and was covered by Original Certificate of Title (OCT) No. O-423 (later Transfer Certificate of Title [TCT] No. RT-30648).

¹ *Rollo*, pp. 43-56; penned by Associate Justice Juan Q. Enriquez, Jr. with the concurrence of Associate Justices Ramon M. Bato, Jr. and Florito S. Macalino.

² *Id.* at 58-60.

³ *CA rollo*, pp 108-118; penned by Judge Cesar M. Solis.

⁴ Chapter II, Section 15 of the New Provincial Administrative Code of Bulacan (Provincial Ordinance No. C-004, February 19, 2007) provides:

Section 15. BULACAN PROVINCE DISTINGUISHED FROM BULAKAN TOWN: - Bulacan spelled with the letter "C" stands for the province while Bulakan spelled with the letter "K" stands for the town/municipality.

On December 29, 1976, Paciencia Gonzales Asuncion (Paciencia) and her children⁵ filed an application for original registration of title over nine parcels of land located in Bambang, Bulakan, Bulacan and denominated as follows: Psu-133934, Psu-138316, Psu-115369 (Lots 1 & 2), Psu-115615 (Lots 1 & 2), Psu-118984 (Lots 1 & 2), and Psu-115616 (Lot 2), with the Court of First Instance of Bulacan. They claimed fee simple ownership of the aforementioned lands by inheritance, accretion, and open, continuous, exclusive, and notorious possession under color of title for at least 30 years.⁶ The application was docketed as Land Registration Case No. 3681-M.

The application was opposed by petitioner Republic of the Philippines, represented by the Solicitor General, on the ground that the lands covered by the application were unclassified forest lands within the public domain;⁷ and by Juanita M. Enriquez, Antonio M. Enriquez, Vicente M. Enriquez, Ignacio M. Enriquez, Juan M. Enriquez, Asuncion M. Enriquez, Jacinto C. Molina II, Juan C. Molina, Jr., and Josefina C. Molina (collectively referred to as the Molina-Enriquez group), on the ground that certain parts of the lands covered by the application belong to them and their predecessors-in-interest.⁸

Due to several postponements and repeated motions to reset filed by the parties' counsels, the case did not progress until April 29, 1986, when Paciencia and her children moved to amend their application to include another lot denominated as Psu-121255.⁹ Their motion was granted in an Order dated February 22, 1988.¹⁰ The notice of initial hearing was issued on October 5, 1988¹¹ and published in the Official Gazette on November 14, 1988.¹² Paciencia and her children, through counsel, then established the jurisdictional requirements before the trial court.¹³ Pre-trial was suspended in view of a compromise agreement.¹⁴ On May 19, 1989, Paciencia died;¹⁵ and was substituted by her children (hereinafter referred to as the Asuncions).¹⁶

On August 30, 1996, the Asuncions entered into a compromise agreement with the Molina-Enriquez group whereby the former withdrew certain parcels of land from their application in exchange for the withdrawal of the latter's opposition thereto.¹⁷ Accordingly, the Asuncions withdrew Lots

⁵ Herein respondents Ramon G. Asuncion, Pedro G. Asuncion, Candida Asuncion Santos, Leonora Asuncion Henson, Ariston G. Asuncion, and Annabelle Asuncion-Perlas.

⁶ Records (vol. 1), pp. 1-4.

⁷ Id. at 65-68.

⁸ Id. at 104-107.

⁹ Id. at 170, 177-181.

¹⁰ Id. at 216.

¹¹ Id. at 251-258.

¹² Id. at 332.

¹³ Id. at 269.

¹⁴ Id. at 169, 222, 369, 417, 425.

¹⁵ Id. at 323-324, 345-348.

¹⁶ Id. at 345-348, 362.

¹⁷ Id. at 434-435, 469-475.

5478-A, 5477-B, 5472 (which were all portions of Psu-121255), and Lot 5471 (a portion of Psu-101023 and Lot 1 of Psu-11561) from their application.¹⁸ The compromise agreement was submitted to the trial court on November 5, 1996, copy furnished the Republic.¹⁹ Thereafter, the Solicitor General manifested that the compromise agreement did not bind the Republic.²⁰ On March 22, 1999, the trial court approved the compromise agreement;²¹ hence, the Molina-Enriquez group's opposition was ordered withdrawn.²²

In view of the amendment to the application, another notice of initial hearing was published in the Official Gazette and posted in accordance with the rules on applications for original certificates of title.²³ Thereafter, presentation of evidence ensued. The Asuncions called three witnesses: Pedro G. Asuncion (Pedro), who testified on the possession of lands by their predecessors-in-interest and on the allegation of accretion;²⁴ Roberto M. Valdez (Roberto), an employee of the Land Registration Authority (LRA), who brought and presented the tracing cloth plan of the claimed parcels and testified that the original plans submitted for the Asuncions' application were true and faithful reproductions thereof;²⁵ and Carlos G. Martinez (Carlos), who testified that, as overseer of the Asuncions' fishponds since 1944, he was able to witness how the claimed parcels were formed through accretion.²⁶

On November 8, 2000, the Asuncions manifested that the settlement of Paciencia's estate had been finalized; and pursuant to such settlement, her interest in the parcels covered by the application were transferred to her children and grandchildren.²⁷ Consequently, the Asuncions prayed that they, along with their children, be substituted as applicants in lieu of Paciencia.²⁸ The trial court granted the motion.²⁹

On June 27, 2001, the trial court admitted the Asuncions' formal offer of evidence.³⁰ On the date of the Republic's presentation of evidence on June 29, 2001, its sole witness from the Regional Office III of the Department of Environment and Natural Resources failed to appear despite the issuance of a subpoena.³¹ The trial prosecutor, on the Republic's behalf, manifested that with

¹⁸ Id. at 473.

¹⁹ Id. at 453.

²⁰ Id. at 478-480.

²¹ Id. (vol. 2), pp. 559-562.

²² Id. at 562.

²³ Id. at 630-632, 638, 644.

²⁴ Id. at 582-600, 610-629, 653-660, 663-669, 674-679, 689-697, 712-717.

²⁵ Id. at 720-735.

²⁶ Id. at 738-743.

²⁷ Id. at 765-786.

²⁸ Id. at 765-772.

²⁹ Id. at 791.

³⁰ Id. at 792, 813, 1147-1165.

³¹ Id. at 815.

the absence of the witness, it had no choice but to close its presentation of evidence and submit the case for decision, to which the trial court obliged.³²

As earlier stated, the trial court rendered its Decision on July 10, 2001, in favor of the Asuncions. The dispositive portion of the Decision reads:

WHEREFORE, conforming the Order of General Default entered on December 16, 1988, the Court hereby orders the registration of the following parcels of land, all of which are located in Barrio Bambang, Municipality of Bulacan, Province of Bulacan, together with their corresponding Technical Descriptions and all improvements existing thereon in this wise, to wit:

1) Psu-115369 - to Martina C. Asuncion, Filipino, single of Merville Park Subd., Paranaque City; Juan Andres A. Henson, filipino, single, of New Manila, Quezon City; Jose Jorge A. Henson, filipino, single, of New Manila, Quezon City; Rosanna Leonora A. Henson, filipino, single, of New Manila, Quezon City; Felipe Paulo H. Asuncion, filipino, single, of 608 Gen. Malvar St., Malate, Manila; Bettina Leticia H. Asuncion, filipino, single, of 608 Gen. Malvar St., Malate, Manila; Ramon Asuncion, Jr. filipino, single, of 608 Gen. Malvar St., Malate, Manila in equal shares.

2) Psu-115615 - to Gerardo Pio Moises H. Asuncion; filipino, single, of 608 Gen. Malvar St., Malate, Manila; Johanna Melissa A. Perlas, filipino, single, of Zobel Roxas, Makati City and Bernardino Felipe A. Perlas, filipino, single, of Zobel Roxas, Makati City in equal shares.

3) Psu-115616 - to Felipe Paulo H. Asuncion, filipino, single, of 608 Gen. Malvar St., Malate, Manila; Bettina Leticia H. Asuncion, filipino, single, of 608 Gen. Malvar St., Malate, Manila; Ramon Asuncion, Jr. filipino, single, of 608 Gen. Malvar St., Malate, Manila; Juan Andres A. Henson, filipino, single, of New Manila, Quezon City; Jose Jorge A. Henson, filipino, single, of New Manila, Quezon City and Rosanna Leonora A. Henson, filipino, single, of New Manila, Quezon City in equal shares.

4) Psu-118984 - to Ramon G. Asuncion, married to Eva Henson of 608 Gen. Malvar St., Malate, Manila, Pedro G. Asuncion, married to Elizabeth Guasch of 606 Gen. Malvar St., Malate, Manila; Candida Asuncion-Santos, married to Arcadio Santos, Jr. of 1860 Sagu St., Dasmariñas Village, Makati City; Leonora Asuncion-Henson, married to Celestino Henson, Jr. of 22 Wood St., Capitol Golf Hills, Diliman, Quezon City; Aristo G. Asuncion, married to Teresita Campos of 15 Rome St., Merville Park Subd., Paranaque City; Annabelle Asuncion-Perlas, [married] to Ramos Perlas of 17 Teofilo Sison St., BF Homes, Paranaque City 1/4 share each; and to Maria Socorro Perpetua H. Asuncion, filipino, single of 608 Gen. Malvar St., Malate, Manila; Marco Philippe Martin G. Asuncion, filipino, single of 606 Gen. Malvar St., Malate, Manila; Arcadio Juan A. Santos III, filipino, single of Dasmariñas Village, Makati City; Celestino Luis Gregorio A. Henson, filipino, single, of New Manila, Quezon City; Francis Felipe Jesus Mark G. Asuncion, filipino, single, of Merville Park Subd., Paranaque

³² Id.

City, and Patricia Anne Perlas, filipino, single, of Zobel Roxas, Makati City 1/6 of 8/14 share each.

5) Psu-121255, Amended - to Ramon G. Asuncion, married to Eva Henson of 608 Gen. Malvar St., Malate, Manila, Pedro G. Asuncion, married to Elizabeth [Guasch] of 606 Gen. Malvar St., Malate, Manila; Candida Asuncion-Santos, married to Arcadio Santos, Jr. of 1860 Sagu St., Dasmariñas Village, Makati City; Leonora Asuncion-Henson, married to Celestino Henson, Jr. of 22 Wood St., Capitol Golf Hills, Diliman, Quezon City; Ariston G. Asuncion, married to Teresita Campos of 15 Tome [sic] St., Merville Park Subd., Paranaque City; Annabelle Asuncion-Perlas, married [sic] to Ramos Perlas of 17 Teofilo Sison St., BF Homes, Paranaque City, with an area of 20,509 square meters, in equal shares.

After this decision has become final, let the corresponding decree be issued accordingly.

SO ORDERED.³³

The Republic filed a motion for reconsideration on August 2, 2001,³⁴ which was denied in an order dated February 26, 2002.³⁵ The subsequent events are recounted in a September 15, 2006 Decision of this Court:

The trial court ruled that the Solicitor General was in effect seeking a new trial and that the motion for reconsideration was pro forma since it lacked an affidavit of merit required by the second paragraph of Section 2, Rule 37 of the Rules of Court.

The Solicitor General received the Order of denial on March 13, 2002, and filed a notice of appeal on March 20, 2002. On April 26, 2002, the trial court dismissed the notice of appeal for being filed out of time.

The Solicitor General filed a petition for certiorari with the CA seeking the annulment of the Orders dated February 26, 2002 and April 26, 2002. The appellate court dismissed the petition for lack of merit.

The appellate court considered the Solicitor General's motion for reconsideration as a motion for new trial and held that the case cannot be reopened because the motion was filed after judgment. The appellate court also held that the motion for reconsideration was fatally defective without an affidavit of merit. Further, the motion was pro forma since it merely reiterated the Solicitor General's previous arguments. Thus, the motion for reconsideration did not toll the reglementary period to appeal. The appellate court concluded that the trial court did not abuse its discretion in rejecting the Solicitor General's prayer to present evidence and to file an appeal.³⁶

³³ Id. at 843-844.

³⁴ Id. at 866-882.

³⁵ Id. at 1016-1022.

³⁶ *Republic of the Phils. v. Asuncion et al.*, 533 Phil. 435, 439-440 (2006). Citations omitted. A copy of the decision is found in Records (vol. 2), pp. 1094-1103. The decision was penned by Associate Justice Leonardo A. Quisumbing with the concurrence of Associate Justices Antonio T. Carpio, Conchita Carpio Morales, Dante O. Tinga, and Presbitero J. Velasco, Jr. (all retired). The CA decision

After the CA denied its motion for reconsideration, the Republic sought recourse with this Court and prayed that the February 26, 2002 and April 26, 2002 orders of the trial court be set aside or that its appeal be given due course. As earlier stated, this Court in its Decision dated September 15, 2006,³⁷ ordered the trial court to give due course to the Republic's appeal. On November 9, 2006, the trial court gave due course to the Republic's appeal.³⁸

After the submission of the required briefs, the CA rendered the assailed decision affirming the trial court's ruling. In granting the Asuncions' application, both courts *a quo* gave credence to the photographic evidence and the testimonies of Pedro and Carlos which tend to prove that the parcels sought to be registered were in the open, public, and continuous possession of the Asuncion family; and that said parcels were accretions upon the western portion of the land covered by OCT No. O-243/TCT No. RT-30648, a parcel of land which is undisputedly owned by the spouses Asuncion.³⁹ Furthermore, the Asuncions were able to prove that the lands were alienable and disposable at the time of the filing of their application, based on the following pieces of evidence: Indorsement from the Bureau of Forest Development and the Bureau of Customs to the effect that the subject lots were no longer needed for public use and would not obstruct navigation, hence alienable and disposable;⁴⁰ the survey plans for the claimed parcels, which were duly approved by the Director of Lands;⁴¹ and a decision of the Court of First Instance of Bulacan dated June 23, 1956, which awarded the lots covered by Psu-115369 (Lot Nos. 1 & 2), Psu-115615, Psu-115616, and Psu-118984 (Lot Nos. 1 & 2), and Psu-121255-Amd (Lot Nos. 2 & 3) to the spouses Asuncion on the ground of accretion and open and continuous possession since 1933.⁴²

The Republic's motion for reconsideration⁴³ was denied in the assailed resolution;⁴⁴ hence, this petition, which raises the following errors:

[I.] THE TRIAL COURT AND THE [CA] GRAVELY ERRED IN GRANTING [THE ASUNCIONS'] APPLICATION FOR ORIGINAL REGISTRATION OF TITLE DESPITE GOVERNMENT FINDINGS

(found in Records, vol. 2, pp. 1048-1055) was penned by Associate Justice Mariano C. Del Castillo (now a retired Member of this Court) with the concurrence of Presiding Justice Cancio C. Garcia (now a retired member of this Court) and Associate Justice Eloy R. Bello, Jr.

³⁷ Id. The Decision became final and executory upon the denial of the Asuncions' motion for reconsideration. Supreme Court Resolution dated December 13, 2006, records (vol. 2), p. 1133.

³⁸ Records (vol. 2), p. 1105.

³⁹ CA *rollo*, pp. 110-111, 113-115.

⁴⁰ Id. at 112; Evidence folder, pp. 91-95.

⁴¹ Id. at 116; Records (vol. 1), pp. 49-53.

⁴² Decision in Civil Case No. 766, captioned "Felipe F. Asuncion and Paciencia Gonzales vs. The Secretary of Agriculture and Natural Resources, The Director of Lands, and Simplicio C. Adriano", penned by Judge Eulogio Mencias. Records (vol. 1), pp. 276-288. Hereinafter referred to as the "1956 CFI Decision".

⁴³ CA *rollo*, pp. 206-216.

⁴⁴ *Rollo*, pp. 58-60.

THAT THE SUBJECT PARCELS OF LAND ARE INALIENABLE FOREST LAND OF THE PUBLIC DOMAIN SINCE 1927.

[II.] THE TRIAL COURT GRAVELY ERRED IN GRANTING RESPONDENTS' APPLICATION FOR ORIGINAL REGISTRATION OVER THE SUBJECT PARCELS OF LAND ON THE GROUND OF ACCRETION.

[III.] [THE REPUBLIC] WAS DENIED DUE PROCESS WHEN THE TRIAL COURT HASTILY ISSUED ITS ORDERS AND DECISION IN FAVOR OF [THE ASUNCIONS].⁴⁵

These errors boil down to a single issue: can the parcels of land in question be registered in favor of the Asuncions?

I.

Before delving into the substantive merits of the case, this Court deems it proper to consider the due process issue raised by petitioner. The Republic argues that it was denied due process when: 1) despite its timely motion for extension of time to file its comment on the Asuncions' formal offer of evidence, the trial court issued its June 27, 2001 order admitting the Asuncions' evidence, on the ground that the Republic (through the trial prosecutor) did not interpose any objection thereto; 2) the same June 27, 2001 order set the date for the presentation of the Republic's evidence on June 29, 2001, or a mere two (2) days after the issuance of the order; 3) when the Republic's witness failed to appear during the June 29, 2001 hearing, the trial court, instead of setting a new hearing date, declared the Republic to have waived its presentation of evidence, with the consequence that the Republic was unable to present a crucial piece of evidence which would prove that the parcels were unclassified public land since 1927; 4) the trial court accepted the trial prosecutor's manifestation that the Republic had no more witnesses to present; 5) the trial court rendered its July 10, 2001 Decision without awaiting the Republic's comment on the Asuncions' formal offer of evidence; and 6) the trial court denied the Republic's motion for reconsideration for being *pro forma* despite the fact that said motion was compliant with the requisites of a valid motion for reconsideration. The Solicitor General argues that these circumstances evince the trial court's intent to railroad the case to the Republic's prejudice, hence the decision must be set aside for violating the Republic's right to due process.

The trial court justified its course of action in its February 26, 2002 Order denying the Republic's motion for reconsideration,⁴⁶ viz.:

x x x x

⁴⁵ Id. at 19.

⁴⁶ Records (vol. 2), pp. 1016-1022; penned by Judge D. Roy A. Masadao, Jr.

On March 20, 2001, acting on the applicants' Formal Offer of Evidence dated February 17, 2001, the Court directed the Trial Prosecutor, in representation of the Office of the Solicitor General, to submit within fifteen (15) days from receipt of the Order her comment thereon/ opposition thereto, after which the offer of evidence shall be deemed submitted for resolution.

On April 16, 2001, the Court Issued an Order which reads:

“Acting on the applicants' Formal Offer of Evidence and there being no objection interposed thereto by the Trial Prosecutor representing the Office of the Solicitor General, all exhibits are hereby admitted either as independent evidence or as part of the testimony of the witnesses.

Accordingly, let the continuation or trial be set on April 27, 2001 at 10:00 A.M.”

On April 27, 2001, the Court issued an Order of the following tenor:

“In the continuation of trial today, the Public Prosecutor manifested that she has not yet received the copy of Formal Offer of Exhibits, as well as the Annexes appended thereto, for which purpose, she requested for time to study the same and submit her comment regarding the Exhibits. There being no objection interposed thereto by the applicants, she is hereby given until May 7, 2001 to manifest whether or not to adduce evidence on behalf of the State.

Subject to the comment that maybe submitted by the Trial Prosecutor, this case is hereby tentatively re-scheduled to May 25, 2001 at 10:00 A.M.”

On June 1, 2001, the Court issued another Order which runs thus:

“Acting on the Manifestation and Motion filed by the Office of the Solicitor General, the counsel for the applicants is hereby directed to furnish the former as well as the Trial Prosecutor with copies of their Formal Offer of Evidence with complete attachments thereof three (3) days upon receipt of this Order, whereas the state is given a period of fifteen (15) days to comment/or oppose the same, afterwhich [sic]; the incident shall be deemed submitted for resolution.”

On June 27, 2001, the Court “admitted all the exhibits adduced in the trial by the applicants”. The Order to that end is reproduced in full hereunder:

“The Solicitor General not having appeared to interpose any objections, whereas the Trial Prosecutor manifested that the applicants' documentary evidence maybe entertained only as part of the testimonies of the witnesses, this Court admitted all the exhibits adduced in the trial by the applicants: whereupon, the applicant through Atty. Pedro Asuncion, rested their case.

On the part of the State, the Trial Prosecutor informed the Court that she caused to be subpoenaed Abraham P. Mariano of the Department of Environment and Natural Resources, Region III, San Fernando, Pampanga to testify as witness, but was not available; and she thus requested for deferment in the adducement of their evidence. There being no objection thereto, this case is hereby reset for hearing on June 29, 2001 at 10:30 A.M.”

On June 29, 2001, the Court issued the following Order:

“In the continuation of trial today, since the person of Abraham P. Mariano subpoenaed by this Court to testify on behalf of the State did not appear; by virtue thereof, the Trial Prosecutor manifested that she has no recourse except to close their evidence and requesting for the submission of this case for decision. In view thereof, this case is now deemed submitted for decision as of today.

Incidentally, this Court caused to be furnished the Office of the Solicitor General copies of the Order issued earlier regarding the scheduling of this case to accommodate [sic] the Government witnesses. Copy of the Order was received by the OSG on June 28, 2001.

Let a copy of this Order be furnished the Office of the Solicitor General for its guidance and information.”

On July 10, 2001, the Court rendered the Decision now sought to be reconsidered by the Republic.

The Republic’s Motion for Reconsideration is predicated on two (2) grounds, viz.:

Firstly, that this “Court deprived the Republic of its right to present evidence.”

The contention is far from accurate, to say the least. To be more precise, the records of the case readily disclose that, on a number of occasions, the Court had bent backwards more than enough in allowing the Republic ample opportunity to adduce evidence in its behalf controverting that of the applicants. On this score, one only has to refer to the aforequoted Orders which, albeit couched in simple yet understandable language, eloquently speak for themselves on the latitude of liberality afforded the Republic by this Court in that regard.

Truth to tell, the Republic neglected to present its evidence due, in large measure, to lack of earnestness (to put it kindly) on the part of the public functionaries tasked to protect the Republic’s cause in the instant case. That pronouncement is reinforced by, inter alia, the allegations in paragraph 6 of the Motion for Reconsideration to the effect that the Republic filed on July 13, 2001 a motion for reconsideration of the Orders dated June 27 and 29, 2001 “as the Republic was still seeking confirmation from the Bureau of Forest

Management the current legal status of the land subject of the application, in order that the Republic may compile its comment to applicants' formal offer of voluminous and detailed evidence and determine the final form of the evidence it will present in support of its Opposition." So there. Notwithstanding the lapse of more than two decades since the institution of the petition at bar way back in 1976, and the vast resources available at its command for purposes of collating and crystallizing its evident in support of its Opposition thereto, the Republic as of July, 2001 was still in the process of "fishing" evidence, so to speak.

Jurisprudence has it that litigations must at some time be terminated. More so should the case at bar now come to an end, going by the considerable stretch of time it had been pending trial before this level of the judicial system.

x x x x⁴⁷

In *Rep. of the Phils. v. Sps. Gimenez*,⁴⁸ we clarified that the rules on the formal offer of evidence and objections to evidence are a manifestation of the right to due process:

The rule on formal offer of evidence is intertwined with the constitutional guarantee of due process. Parties must be given the opportunity to review the evidence submitted against them and take the necessary actions to secure their case. Hence, any document or object that was marked for identification is not evidence unless it was "formally offered and the opposing counsel [was] given an opportunity to object to it or cross-examine the witness called upon to prove or identify it."

This court explained further the reason for the rule:

The Rules of Court provides that "the court shall consider no evidence which has not been formally offered." A formal offer is necessary because judges are mandated to rest their findings of facts and their judgment only and strictly upon the evidence offered by the parties at the trial. Its function is to enable the trial judge to know the purpose or purposes for which the proponent is presenting the evidence. On the other hand, this allows opposing parties to examine the evidence and object to its admissibility. Moreover, it facilitates review as the appellate court will not be required to review documents not previously scrutinized by the trial court.

To consider a party's evidence which was not formally offered during trial would deprive the other party of due process. Evidence not formally offered has no probative value and must be excluded by the court.⁴⁹

Consequently, Rule 132, Section 38 of the Rules of Court requires the trial court to rule upon objections to evidence "immediately after the objection

⁴⁷ Id. at 1016-19. Underlining in the original, citations omitted.

⁴⁸ 776 Phil. 233 (2016).

⁴⁹ Id. at 256-257.

is made,” or after taking “reasonable time to inform itself on the question presented”; provided that the ruling *must* be made during the trial *and* “at such time as will the party against whom it is made an opportunity to meet the situation presented by the ruling.” The improper admission of evidence is a ground for new trial,⁵⁰ unless it is shown that the improperly admitted evidence will not change the outcome of the case.⁵¹ In *People v. Singh*,⁵² this Court affirmed a trial court decision which was rendered despite the pendency of the accused’s motion to strike out a certain testimony, *viz.*:

It appears that after this testimony had been received without objection, counsel for the defendant moved that it be stricken from the record on the ground that it had not been shown affirmatively by direct evidence that the confession had been made freely and voluntarily. The court took the motion under advisement and counsel asserts that it has never been ruled upon and that this has resulted to the defendant’s prejudice, inasmuch as he has had no opportunity to rebut the evidence of the confession.

x x x The fact that the court, in its decision, takes the confession into consideration must be regarded as a denial of the motion to strike it from the record and if the defendant desired to introduce further evidence rebuttal, the matter should have been brought to the attention of that court through the appropriate motion will not now reopen the case for a new trial.⁵³

In the case at bar, the trial court, after receiving the OSG’s manifestation that it had not yet received a copy of the Asuncions’ formal offer, ordered the Asuncions to furnish a copy of the same to the OSG. The OSG received a copy of the formal offer on June 15, 2001.⁵⁴ Thus, per the trial court’s June 1, 2001 order, the OSG had fifteen days from June 15, 2001, or until June 30, 2001, to comment on the formal offer. However, before the lapse of said period, the trial court rendered its June 27, 2001 order “admitt[ing] all the exhibits adduced in the trial by the applicants”, for the apparent reason that “[t]he Solicitor General not having appeared to interpose any objections, whereas the Trial Prosecutor manifested that the applicants’ documentary evidence may be entertained only as part of the testimonies of the witnesses,” which is absurd, since it gave the OSG until June 30, 2001, to interpose its objections. The trial court’s subsequent June 29, 2001 order glosses over this fact and considers the case to have proceeded to the next phase, *i.e.*, presentation of the oppositor’s evidence. Nevertheless, the OSG eventually submitted its comment dated July 24, 2001,⁵⁵ which the trial court received on August 6, 2001.⁵⁶

⁵⁰ 7 Vicente J. Francisco, *The Revised Rules of Court in the Philippines (Part II)* 532-533 (1973), citing *Figueras v. Vy-Tiepcu*, 2 Phil. 488-489 (1903) and *United States v. Villanueva*, 18 Phil. 593 (1911).

⁵¹ 2 Florenz D. Regalado, *Remedial Law Compendium* 875 (2008) [please verify year of publication], citing *People v. Bande*, 50 Phil. 37, 41 (1927).

⁵² 45 Phil. 676 (1924).

⁵³ *Id.* at 678-679.

⁵⁴ *Rollo*, p. 33.

⁵⁵ *Records* (vol. 2), pp. 847-863.

⁵⁶ *Id.* at 847.

Given the peculiar circumstances of this case, with special attention to the fact that it has been pending for almost 43 years, this Court finds that the Republic was not denied due process. Although the trial court rendered its decision without receiving the Republic's objections to the evidence offered by the Asuncions,⁵⁷ it was nevertheless able to receive and consider such objections, as the OSG was able to file the necessary comment, albeit almost a month after the period granted to it by the trial court. The records reveal that despite the ample time given by the trial court, the Republic was still unable to timely object to the Asuncions' evidence, as it filed its comment on the latter's formal offer only on August 6, 2001, more than a month after the final June 30, 2001 deadline set by the trial court, which was on top of the other extensions requested by the Republic after the trial court first acted on the Asuncions' formal offer in its March 20, 2001 order.⁵⁸ While the trial court erred in rendering its decision without awaiting the Republic's comment on the formal offer, the Republic was likewise at fault for failing to submit its comment within the period set by the trial court.

Furthermore, We agree with the trial court's ratiocinations in its February 26, 2002 order. The Republic's failure to present its evidence is its own fault. As correctly pointed out by the trial court, the Republic had almost 24 years from the first time it filed its opposition in 1977, up to 2001, to build its case and confront the evidence presented by the Asuncions; however, instead of coming to court with adequate preparation at the appointed time, the Republic bungled the presentation of its evidence by failing to ensure that its witnesses appeared on the designated dates. In view of the resources at its disposal and the power it exercises over the officials who were supposed to prove its case, it is highly improbable, nay, unjustifiable, that the Republic could not have obtained the appropriate documentary evidence and summoned competent and available witnesses within the time appointed by the trial court.

At any rate, most of the Republic's objections are based either on the failure of the Asuncions to present the original cloth tracing plans or on its theory that the lands claimed by the Asuncions are forest lands of the public domain. However, the Asuncions were able to present Roberto, an LRA employee, who brought the original tracing cloth plans to the court during the

⁵⁷ While the trial court was able to receive the OSG's Motion for Extension to file its comment prior to its rendition of the assailed decision, the trial court did not act on the motion because it was of the opinion that the same was "rendered moot and academic by the Order of the Court dated June 27, 2001. RTC Decision, p. 6, in Records (vol. 2), p. 839.

⁵⁸ Among the reasons given by the OSG for the delay was the "voluminous nature of the documentary exhibits" submitted by the Asuncions (Records, vol. 2., p. 816), and crucially, that the Republic, as of July 13, 2001, was "still seeking confirmation from the appropriate office of the Bureau of Forest Development for Region III of the current status of the recommendation to the Bureau Director to release the lands subject of the application x x x to be disposed of in accordance with the Public Land Act as contained in the First Indorsement x x x of the OIC District Forester [of Bulacan] and in the Second Indorsement x x x of the Regional Director, DENR-BFD" submitted by the Asuncions [Records (vol. 2), p. 875]. Given the Republic's powers and resources, the 24-year delay in obtaining such confirmation is improbable and unjustifiable.

November 6, 2000 hearing;⁵⁹ and who was able to confirm that the survey plans submitted to the trial court were faithful reproductions of the original tracing cloth plans which are in the custody of the LRA.⁶⁰

II.

On one hand, the Asuncions assert that the lands in question are alienable and disposable, on the basis of the following evidence: recommendations from local officials of Bureau of Forest Development in Bulacan that the lands be released from the public domain and disposed in accordance with the Public Lands Act;⁶¹ endorsements and a memorandum to the District Engineer of Bulacan;⁶² certification of the right-of-way agent of the Department of Public Works and Highways;⁶³ the duly approved survey plans for the claimed parcels showing that they were surveyed in the name of the spouses Asuncion and that such surveys were approved by the Director of Lands;⁶⁴ a memorandum from a Bureau of Lands investigator, addressed to the Director of Lands, stating that the lands covered by the application are being used as fishponds and that the lands appear to have been occupied for at least 30 years;⁶⁵ communications from the Commissioner of Customs;⁶⁶ and the 1956 CFI Decision. In the alternative, the Asuncions also submitted photographs⁶⁷ and testimonial evidence to prove that the claimed parcels were alluvial accretions upon the land covered by OCT No. O-423 later TCT No. RT-30648).

On the other hand, the Republic claims that the disputed lands are unclassified forest lands of the public domain, on the basis of Bureau of Forestry Land Classification Map No. 637 dated March 1, 1927.⁶⁸ However, the Republic was unable to present said map in evidence, as the witness who was supposed to present the map failed to appear despite being subpoenaed. Consequently, the Republic now asserts that the evidence submitted by the Asuncions do not suffice to prove that the lands in dispute are alienable and disposable, or that they were accretions upon property already held by the Asuncions.

As earlier mentioned, the Republic failed to submit any evidence whatsoever to support its allegation that the disputed parcels are unclassified forest lands of the public domain. On the contrary, the Asuncions submitted

⁵⁹ Id. at 723-730.

⁶⁰ Id. at 724, 728.

⁶¹ Evidence folder, pp. 91-92.

⁶² Id. at 68-69.

⁶³ Id. at 70.

⁶⁴ Records (vol. 1), pp. 49-53, 116; Records (vol. 2), p. 1150.

⁶⁵ Evidence folder, p. 99.

⁶⁶ Id. at 94-95.

⁶⁷ Evidence folder, pp. 114-133.

⁶⁸ Records (vol. 1), p. 77.

testimonies, photographs, and maps to prove that the disputed lands were formed through accretion.

On the witness stand, Pedro testified that as one of the children of the spouses Asuncion, he co-inherited the disputed parcels from his parents.⁶⁹ The said parcels are adjacent to the mother property covered by OCT No. O-423 and TCT No. T-7808 (later TCT No. RT-30648).⁷⁰ Pedro further testified that the disputed parcels, which have a total area of 107 hectares, more or less, were formed through accretion along the Wawang Dapdap River and Manila Bay.⁷¹ The accretion happened westward from the mother property⁷² between 1933 and 1945 and was surveyed as Psu-115369 (Lots 1 and 2), Psu-115615, and Psu-115616. The spouses Asuncion occupied and possessed the said accretion between 1943 and 1945; and they remained in possession of the accretion until their deaths in 1968 and 1989, respectively, after which their children, the Asuncions took possession thereof.⁷³ Later, the spouses Asuncion also had the other areas of the accretion surveyed as Psu-121255 (surveyed in 1950) and Psu-118984 (surveyed in 1948 and divided into two lots).⁷⁴ Pedro further testified that after the accretion had developed, *i.e.*, it was no longer washed away or submerged by the surrounding waters, his family utilized the land as a fishpond by digging the soil and surrounding the area with a perimeter dike.⁷⁵ Pedro also presented photographs of the lands showing that they are all being utilized as fishponds.⁷⁶

Pedro's testimony was corroborated by that of Carlos, who worked in the spouses Asuncion's fishponds beginning in 1944.⁷⁷ Martinez testified that during bad weather or whenever there was typhoon, soil eroded from the Wawang Dapdap River into the banks and the land of the spouses Asuncion.⁷⁸ Once the *sabang*⁷⁹ stabilized, the spouses Asuncion hired day laborers to dig into the *sabang* to construct a fishpond. The material excavated from the *sabang* was then deposited along its outer edges to form a dike to protect the ditch from the action of the river.⁸⁰ Martinez further testified that by the time he became overseer of the spouses Asuncion's fishponds in 1948, the accretion had grown to about 33 hectares.⁸¹

⁶⁹ Records (vol. 2), pp. 569-570.

⁷⁰ Id. at 592-593.

⁷¹ Id. at 593-595, 613.

⁷² Id. at 657.

⁷³ Id. at 593-595, 613, 622, 655, 694, 697.

⁷⁴ Id. at 614, 624, 665.

⁷⁵ Id. at 623-624, 655.

⁷⁶ Evidence folder, p. _____.

⁷⁷ Records (vol. 2), p. 739.

⁷⁸ Id. at 740.

⁷⁹ According to Martinez, the term for accretion in the Bulakan area is *sabang* or *palanas*. Id.

⁸⁰ Id. at 740-41.

⁸¹ Id. at 741.

The Asuncions also submitted the following maps in evidence: 1) a location plan of the mother property dated April 5, 1983 and based on a survey conducted on January 14, 1918;⁸² 2) a Broad Map showing all the lands possessed by the Asuncions, with the mother property colored in green and brown crayon and the disputed lands colored in yellow and orange crayon, dated June 28, 1999;⁸³ 3) a survey plan of the mother property approved on January 28, 1938 and based on a survey conducted on August 18- 20, 1937;⁸⁴ 4) survey plan of Psu-115615 and Psu-115616, conducted on January 26, 1944;⁸⁵ 5) survey plan of Psu-118984 conducted on March 7, 1948;⁸⁶ and 6) survey plan of Psu-115369.⁸⁷

The foregoing maps show that the Wawang Dapdap River flows to the west, and then turns southwest into Manila Bay. Both the mother property and the disputed lands are located on the north bank of the river. The mother property is the easternmost parcel, and hence farthest from Manila Bay. The disputed parcels lie southwest of the mother property, all located shoreward along the north bank of the Wawang Dapdap River. Based on their location relative to the mother property and the shoreline of Manila Bay, the disputed lots can be divided into four groups: Group 1, composed of Lot 1 of Psd-121255 (the portions allotted to the Asuncions under their compromise agreement with the Molina-Enriquez group), Lot 1 of Psu-115616, and Lot 1 of Psu-115369, which are bounded on the west southwest by the mother property; Group 2, composed of Lot 2 of Psd-121255, Lot 2 of Psu-115616, and Lot 2 of Psu-115369, which are located west southwest of and immediately adjacent to the Group 1 lots, with Lot 2 of Psu-115369 forming part of the north bank of the Wawang Dapdap River; Group 3, composed of Lot 3 of Psu-121255, Psu-115615 (2 lots), and a lot labelled in the Broad Map as Lot 5478-B, which are which are located west southwest of and immediately adjacent to the Group 2 lots, with Psu-115615 forming part of the north bank of the Wawang Dapdap River; and Group 4, composed of Psu-118984 and Psu-118336, with Psu-118984 forming part of the north bank and mouth of the Wawang Dapdap River, where it meets Manila Bay. Accordingly, the southwestern boundary of Psu-118984 is Manila Bay itself.

A comparison of the Broad Map and the 1938 survey plan of the mother property shows that new land has indeed been created on the west-southwest side of the mother property. The course of the accretion parallels the course of the Wawang Dapdap River. The 1938 survey plan shows that the mother property was separated from Manila Bay by a solitary parcel of land, which is

⁸² Exhibit "G" for the Asuncions, Evidence folder, p. 51.

⁸³ Exhibit "E" for the Asuncions, id. at 45.

⁸⁴ Exhibit "F" for the Asuncions, id. at 46.

⁸⁵ Records (vol. 1), pp. 50-51.

⁸⁶ Id. at 52.

⁸⁷ Id. at 49.

indicated in the Broad Map as Lot 1 of Psu-115369.⁸⁸ As of 1938, Lot 1 of Psu-115369 was bounded on the southwest by Manila Bay. However, by 1999, as shown in the Broad Map of even date, said lot is now bounded on the southwest by Lot 2 of Psu-115369, which in turn is bounded on the same direction by Psu-115615, which is in turn bounded on the same direction by Psu-118984, on which the shoreline is presently located.

The Broad Map and the 1938 survey plan of the mother property likewise shows that due to the formation of new land along its northern bank, the location of the mouth of the Wawang Dapdap River moved in the same direction as the accretion. In the 1938 survey plan, the river's mouth was adjacent to Lot 1 of Psu-115369; but in the 1999 Broad Map, the river's mouth was adjacent to Lot 1 of Psu-118984. Verily, the accretion caused the river to elongate and chart a new course. Starting from the 1938 location of its mouth adjacent to Lot 1 of Psu-115369, it began to flow in a more southwesterly direction past Lot 2 of Psu-115369 and Psu-118984, where it meets Manila Bay. This finding is bolstered by the individual survey plans, which show the gradual change in the location of the shoreline of Manila Bay and the mouth of the Wawang Dapdap River, *viz.*:

Survey Plan and Date	Location of Shoreline and River Mouth
1938 plan of mother property	Along Lot 1, Psu-115369
Psu-115369 (1943) ⁸⁹	Along Lot 2, Psu-115369
Psu-115615 (1944) ⁹⁰	Along Psu-115615
Psu-118984 (1948) ⁹¹	Along Psu-118984

Furthermore, the foregoing findings are echoed in the 1956 CFI Decision, which categorically states that the disputed lands

had been formed gradually by sediments deposited by the waters of the Wawang Dapdap River and the Manila bay and that it adjoins on the East the land of the plaintiffs [spouses Asuncion] which is covered by their Original Certificate of Title No. 6-423. That it was really formed by accretion is supported by the fact that when the aforementioned plaintiffs' registered property was surveyed in the month of August, 1937, the northeastern corner thereof still adjoined the shore of the Manila Bay, thereby showing that it (the land in litigation) was still under water but had been gradually growing up and pushing the shoreline of Manila Bay westward and the north bank of the Wawang Dapdap River southward.

X X X X

⁸⁸ This area measures 216,767 square meters in both maps.

⁸⁹ Records (vol. 1), p. 49.

⁹⁰ Id. at 50-51.

⁹¹ Id. at 52.

Inasmuch as it was found and admitted by the parties that the land in controversy had been formed by the gradual accretions of soil deposited by the Wawang Dapdap river and by the waters of the Manila Bay, the question to be determined is whether said land is still part of the public domain.

x x x x⁹²

Courts do not have the power to declare the alienable-and-disposable status of lands of the public domain.⁹³ However, as wielders of the judicial power,⁹⁴ they can nevertheless determine the nature and character of lands under litigation in order to determine the existence of rights and obligations pertinent to said lands.⁹⁵ While the 1956 CFI Decision's finding on the alienable-and-disposable status of the disputed land is not binding on the present case, its finding as to the nature and status of the disputed lands as accretions upon the Asuncion's mother property constitutes *res judicata*. It must be emphasized that the 1956 CFI Decision arose from the grant of a foreshore lease by the Secretary of Agriculture and Natural Resources over part of the disputed lands. Claiming ownership and possession over the same, the spouses Asuncion sued the grantee, the Secretary of Agriculture and Natural Resources, and the Director of Lands, in order to annul the foreshore lease.⁹⁶ The CFI ruled for the spouses Asuncion and revoked the foreshore lease, holding *inter alia* that the Asuncions were able to prove that the disputed lands

⁹² Records (vol. 1), pp. 282, 285.

⁹³ *Heirs of Rafael Gozo v. Philippine Union Mission Corp. of the Seventh Day Adventist Church (PUMCO), et al.*, 765 Phil. 829, 838 (2015); *Secretary of the DENR, et al. Mayor Yap, et al.*, 589 Phil. 156, 182-183 (2008); *Director of Lands v. Court of Appeals*, 258-A Phil. 492, 495 (1989); *Bureau of Forestry v. Court of Appeals*, 237 Phil. 342, 348 (1987); *Director of Lands, et al. v. CA, et al.*, 214 Phil. 606, 609 (1984).

⁹⁴ "The phrase "judicial power" is not capable of a precise definition which would be applicable to all cases. The term has been variously defined as the authority to determine the rights of persons or property by arbitrating between adversaries in specific controversies at the instance of a party thereto; the authority exercised by that department of government which is charged with the declaration of what the law is and its construction so far as it is written law; the authority or power vested in the judges or in the courts; the authority vested in some court, officer, or persons to hear and determine when the rights of persons or property or the propriety of doing an act is the subject matter of adjudication; the power belonging to or emanating from a judge as such; the power conferred upon a public officer, involving the exercise of judgment and discretion in the determination of questions of right in specific cases affecting the interest of persons or property, as distinguished from ministerial power or authority to carry out the mandates of judicial power or the law; the power exercised by courts in hearing and determining cases before them, or some matter incidental thereto, and of which they have jurisdiction; the power of a court to decide and pronounce a judgment; the power which adjudicates upon and protects the right and interests of individual citizens, and to that end construes and applies the law. "Judicial power" implies the construction of laws and the adjudication of legal rights. It includes the power to hear and determine but not everyone who may hear and determine has judicial power. The term "judicial power" does not necessarily include the power to hear and determine a matter that is not in the nature of a suit or action between the parties." *Santiago, Jr. v. Bautista*, 143 Phil. 209 (1970), citing 34 C.J. 1183-1184.

⁹⁵ See *e.g., Salas, etc., et al. v. Hon. Jarencio, et al.*, 150-B Phil. 670, 680 (1972), where the Court had to decide if the disputed land is patrimonial or for public use; *Cebu Oxygen & Acetylene Co., Inc. v. Judge Bercilles*, 160 Phil. 1155 (1975), where the courts had to determine if the disputed land has become private; and *Heirs of Navarro v. IAC*, 335 Phil. 537 (1997), where the Court determined whether the land is the product of alluvial (hence, registrable) or littoral (hence, unregistrable) accretion.

⁹⁶ Records (vol. 1), pp. 276-278.

are accretions upon the mother property.⁹⁷ Consequently, the conclusions of the CFI on the issue of accretion are binding upon all subsequent litigations on the land, moreso upon the Republic, which was represented in the said case by the Secretary of Agriculture and Natural Resources and the Director of Lands, in their capacities as the heads of agencies which are directly responsible for the management of lands of the public domain. Furthermore, the other pieces of testimonial and documentary adduced by the Asuncions to prove gradual accretion since 1933 overwhelmingly preponderate over the Republic's utter lack of proof in support of its assertion that the disputed lands are unclassified forest lands that have been in existence since before 1927.

III.

Having established that the disputed lands were accretions upon the Asuncions' mother property, the next issue to be resolved is the provenance of the accretion, which is determinative of its susceptibility to private acquisition. Alluvial accretions on private lands are subject to private acquisition, while littoral accretions are not.

Alluvial accretions are governed by paragraph (3), Article 457 of the Civil Code.⁹⁸ That provision vests ownership of the accretion gradually received by lands adjoining the banks of rivers in the owners of such lands. Consequently, the riparian owner whose land receives the accretion does not need to make an express act of possession, because it is the law itself that pronounces the alluvium to belong to the riparian owner from the time that the deposit created by the current of the water becomes manifest.⁹⁹ However, while the alluvium automatically becomes the property of the adjoining riparian owner, it does not automatically become registered land, even if the land which received the accretion is registered.¹⁰⁰ Thus, such accretion may still be acquired through prescription by a third person if the riparian owner fails to register the same within the period provided for by law.¹⁰¹ From the principle of automatic ownership of alluvial accretion, it also follows that if the riparian owner applies for registration of the accretion, they need not prove the alienable and disposable status of the land, for it was never part of the public domain in

⁹⁷ Id. at 282, 285, 288.

⁹⁸ Art. 457. To the owners of lands adjoining the banks of rivers belong the accretion which they gradually receive from the effects of the current of the waters. "[Alluvial] accretions are natural incidents to land bordering on running streams and the provisions of the Civil Code in that respect are not affected by the Land Registration Act." *C.N. Hodges v. Garcia*, 109 Phil. 13, 136 (1960).

⁹⁹ *Republic v. Santos III*, 698 Phil. 275 (2012); *Payatas Estate Improvement Co. v. Tuason*, 53 Phil. 55, 57 (1929); *Cortes v. City of Manila*, 10 Phil. 567 (1908); *Roxas v. Tuason*, 9 Phil. 408 (1907); 2 Arturo M. Tolentino, *Commentaries and Jurisprudence on the Civil Code of the Philippines* (1972) 125.

¹⁰⁰ *Heirs of Navarro v. Intermediate Appellate Court*, supra note 95 at 550; 2 Jose B.L. Reyes and Ricardo C. Puno, *An Outline of Philippine Civil Law* 51 (1967), citing *Grande, et al. v. Court of Appeals, et al.*, 115 Phil. 521, 524-525 (1962).

¹⁰¹ *Heirs of Narvasa, Sr. v. Imbornal*, 740 Phil. 541 (2014); *Reynante v. Court of Appeals*, 284 Phil. 84, 90 (1992).

the first place, being private, albeit unregistered, land.¹⁰² However, in order to qualify under paragraph (3), the riparian owner must prove the fact of alluvial accretion. Based on Article 457 of the Civil Code and as explained by jurisprudence, alluvial accretion has three requisites: first, the accretion must be gradual and imperceptible; second, the accretion must be made through the effects of the current of the water; and third, the land where accretion takes place must be adjacent to a riverbank.¹⁰³

On the other hand, littoral accretions are considered inalienable lands of the public domain.¹⁰⁴ Moreover, since they are formed on seashores, they are considered foreshore lands, which may only be disposed of by lease.¹⁰⁵

As mentioned earlier, the Asuncions claim that the accretion is the product of the alluvial action of the Wawang Dapdap river on the mother property; while the Republic claims that the accretion happened on the seashore. The Republic argues that the accretion was attributable *solely* to the action of the Manila Bay upon the shore. If the accretion were a product of the Wawang Dapdap River, the Republic asseverates, then it should have accumulated parallel to the riverbank, on the southeast side of the mother property, and not on the southwest side, which would be perpendicular to the riverbank. There being no proof that the Asuncions were able to comply with the requirements for acquisition of title to foreshore land, their petition for registration must still fail.

This argument is based on our ruling in *Heirs of Navarro v. Intermediate Appellate Court*,¹⁰⁶ which the Republic claims to be “identical” to the case at bar. That case also involved a parcel of land located on the mouth of a river emptying into the Manila Bay, *viz.*:

It is undisputed that applicants-appellants [private respondents] owned the land immediately adjoining the land sought to be registered. Their property which is covered by OCT No. 6830 is bounded on the east by the Talisay River, on the west by the Bulacan River, and on the north by the Manila Bay. The Talisay and Bulacan rivers come from inland flowing downstream towards the Manila Bay. In other words, between the Talisay

¹⁰² *Heirs of Narvasa, Sr. v. Imbornal*, supra; *Payatas Estate Improvement Co. v. Tuason*, supra note 101. Section 14(3) of the Property Registration Decree recognizes this principle when it uses the term “private lands”.

¹⁰³ *Daclison v. Baytion*, 784 Phil. 257, 265-266 (2016), citing *Republic of the Philippines v. CA*, 217 Phil. 483, 489 (1984); *Fernando v. Acuña*, 673 Phil. 129 (2011); *Heirs of Navarro v. Intermediate Appellate Court*, supra note 95.

¹⁰⁴ *Heirs of Navarro v. Intermediate Appellate Court*, id. at 555; *Republic of the Phils. v. Vda. de Castillo*, 246 Phil. 294 (1988), citing *Ignacio v. Director of Lands and Valeriano*, 108 Phil. 335, 338-339 (1960).

¹⁰⁵ *Baguio v. Heirs of Abello*, G.R. Nos. 192956 & 193032, July 24, 2019; Public Land Act, Secs. 58, 59, & 61.

¹⁰⁶ Supra note 95.

River and the Bulacan River is the property of applicants with both rivers acting as the boundary to said land and the flow of both rivers meeting and emptying into the Manila Bay. The subject land was formed at the tip or apex of appellants' [private respondents'] land adding thereto the land now sought to be registered.

This makes this case quite unique because while it is undisputed that the subject land is immediately attached to appellants' [private respondents'] land and forms the tip thereof, at the same time, said land immediately faces the Manila Bay which is part of the sea. We can understand therefore the confusion this case might have caused the lower court, faced as it was with the uneasy problem of deciding whether or not the subject land was formed by the action of the two rivers or by the action of the sea. Since the subject land is found at the shore of the Manila Bay facing appellants' [private respondents'] land, it would be quite easy to conclude that it is foreshore and therefore part of the patrimonial property of the State as the lower court did in fact rule¹⁰⁷

On appeal, this Court reinstated the trial court decision denying the application for registration, *viz.*:

First, the title of petitioners' own tract of land reveals its northeastern boundary to be Manila Bay. Petitioners' land, therefore, used to adjoin, border or front the Manila Bay and not any of the two rivers whose torrential action, petitioners insist, is to account for the accretion on their land. In fact, one of the petitioners, Sulpicio Pascual, testified in open court that the waves of Manila Bay used to hit the disputed land being part of the bay's foreshore but, after he had planted palapat and bakawan trees thereon in 1948, the land began to rise.

Moreover, there is no dispute as to the location of: (a) the disputed land; (b) petitioners' own tract of land; (c) the Manila Bay; and, (d) the Talisay and Bulacan Rivers. Petitioners' own land lies between the Talisay and Bulacan Rivers; in front of their land on the northern side lies now the disputed land where before 1948, there lay the Manila Bay. If the accretion were to be attributed to the action of either or both of the Talisay and Bulacan Rivers, the alluvium should have been deposited on either or both of the eastern and western boundaries of petitioners' own tract of land, not on the northern portion thereof which is adjacent to the Manila Bay. Clearly lacking, thus, is the third requisite of accretion, which is, that the alluvium is deposited on the portion of claimant's land which is adjacent to the river bank.

Second, there is no dispute as to the fact that petitioners' own tract of land adjoins the Manila Bay. Manila Bay is obviously not a river, and jurisprudence is already settled as to what kind of body of water the Manila Bay is.

X X X X

¹⁰⁷ Id. at 544-545.

The disputed land, thus, is an accretion not on a river bank but on a sea bank, or on what used to be the foreshore of Manila Bay which adjoined petitioners' own tract of land on the northern side. As such, the applicable law is not Article 457 of the Civil Code but Article 4 of the Spanish Law of Waters of 1866.¹⁰⁸

Clearly, our ruling therein is premised on three crucial facts: first, the mother property is essentially peninsular, being surrounded by waters on three sides; second, the accretion was abetted in part by the owner, who planted *patapat* and mangroves on the foreshore, facilitating the deposition of material from the waves; and third, the accretion developed not on the banks of the two rivers but along the shore facing the bay.

In the case at bar, Martinez testified that the accretion upon the Asuncions' mother property was essentially barren, as the only trees that grew there were washed away during bad weather.¹⁰⁹ Likewise, Pedro and Martinez testified that the spouses Asuncion only made improvements upon the *sabang* after it had stabilized;¹¹⁰ and that these improvements were made solely to convert the already filled-in area into a fishpond and to protect the same from further action of the river. Unlike in *Heirs of Navarro*, the spouses Asuncion did not make any improvement or planting upon the land which would facilitate the accretion, for the law requires that the accretion be the sole and exclusive product of nature.¹¹¹

The second, and perhaps the more important contention of the Republic, is based on the location of the accretion relative to the mother property. The Republic argues that the accretion could not have been the product of alluvial action because the material was deposited on the southwest side of the property, instead of the southeast side, where the property adjoins the river. Consequently, the Republic argues, the accretion could only have been the product of the action of the sea upon the shore.

Given that the disputed land is located at the mouth of a river flowing into the sea, even the Asuncions themselves - who were in possession of the land since 1933 - were unsure about the precise cause of the accretion, for the Manila Bay and the Wawang Dapdap River acted simultaneously upon the land.¹¹² Moreover, unlike in *Heirs of Navarro*, the disputed land is not peninsular (as it is bounded by water only on two sides) and the accretion thereon did not develop *exclusively* along the shore. Here, both the accretion

¹⁰⁸ Id. at 550-551.

¹⁰⁹ Records (vol. 2), p. 741.

¹¹⁰ Id. at 623-624, 655.

¹¹¹ *Daclison v. Baytion*, supra note 103; *Rep. of the Phils. v. CA, et al.*, 217 Phil. 483, 490-491 (1984); *Cortes v. City of Manila*, supra note 99.

¹¹² Records (vol. 2), pp. 657, 693-694.

and the mother property are located on the north bank of the Wawang Dapdap River.

Based on the Broad Map, the shape of the perimeter of the mother property and its position relative to the Wawang Dapdap River is such that the Wawang Dapdap River flows west-southwest as it adjoins the property.

As established above, the earliest known location (as of 1938) of the mouth of the Wawang Dapdap River was beside Lot 1 of Psu-115369 which is immediately adjacent to the mother property. It has also been established that the Wawang Dapdap River charted a new course between 1938 and 1948, as indicated by the maps showing the southwesterly advance of the river's mouth from its 1938 location. Since Lot 1 of Psu-115369 is located immediately at the river's mouth, and the mother property is immediately adjacent to said lot, the alluvion carried by the river accumulates not only along the southern margin of both lots (*i.e.*, the north bank of the Wawang Dapdap) but also along the western margin of Lot 1 of Psu-115369 (*i.e.*, the shoreline of Manila Bay).

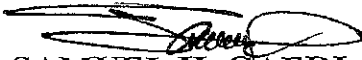
Article 457 of the Civil Code only contemplates accretions received by "banks of rivers". If the alluvion, despite being carried by the flow of a river, be deposited (or as the Code puts it, "received") along the seashore as the river merges into the sea, such alluvion cannot be considered an accretion under the Civil Code. In the case at bar, the accretion formed shoreward, in the southwestern direction, along the course of the Wawang Dapdap River as its mouth shifted in the same direction. Consequently, the only logical conclusion is that the alluvion was carried by the action of the Wawang Dapdap River *but* the same was deposited not *only* along its banks, but *also* on the seashore forming its mouth, as it exited into Manila Bay. If the accretion were deposited on the bank of the mother property *alone*, the change in the course of the Wawang Dapdap River would not have been the gradual southwest shift seen on the maps submitted by the Asuncions, but a more abrupt turn southward or a branching out, since the accretion on the banks of the mother property would have blocked or impeded its continued southwesterly flow. Conversely, if the accretion were attributable to the sea alone as claimed by the Solicitor General, the Wawang Dapdap River should not have changed course, as the deposits would accumulate on the shore alone (as in *Heirs of Navarro*), without significantly affecting the course of the river, considering that the river makes its southwest turn immediately after passing Lot 1 of Psu-115369 (which was the location of its mouth in 1938). However, the maps reveal that the river does not make an abrupt turn or branch out below Lot 1 of Psu-115369; but instead continues gradually along a southwesterly direction, indicating that the alluvion was being deposited on *both* the riverbank and the shore.

Consequently, the Asuncions can only claim the rights under Article 457 with respect to Psu-115369 and to Psu-115615, since these are the only lots which are adjacent to the north bank of the Wawang Dapdap River as shown on the 1999 Broad Map and the survey plans. Being located along the riverbank, these are the only areas which can be safely presumed to have been formed through the accretion received by the banks of the mother property. Likewise, the other parcels which are not located along the riverbank, or bordering the shoreline of Manila Bay, cannot be registered, since the source of the accretion from these areas cannot be established with certainty; and in accordance with Article 4 of the 1866 Law on Waters,¹¹³ the Constitution, and our earlier findings, these must be presumed to be part of the public domain, either as foreshore lands or unclassified lands.

By way of conclusion, this Court observes that this case could have settled much earlier and with greater clarity had the Republic been more diligent, assiduous, and punctual in gathering its evidence. The Republic has jurisdiction over the agencies best equipped to determine the factual issues developed in this litigation. If the Republic had used its coercive and administrative powers in a more timely and judicious manner, the exact nature of the disputed parcels and the detailed provenance of the accretion could have been more easily determined, not only saving this Court and the courts *a quo* valuable time and resources which would have otherwise gone into resolving other equally meritorious cases, but also rendering complete justice to the Asuncions, who developed the disputed lands in good faith and put them to productive use, only for the State to step in and claim the properties on the basis of tired and unsubstantiated arguments.

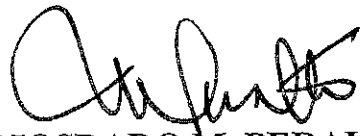
WHEREFORE, the present petition is **PARTIALLY GRANTED**. The November 11, 2011 Decision and the February 23, 2012 Resolution of the Court of Appeals in CA-G.R. CV No. 89386 are hereby **REVERSED AND SET ASIDE** insofar as these affirmed the registration of the parcels of land denominated as Psu-115616, Psu-118984, and Psu-121255 in the decision dated July 10, 2001 of the Regional Trial Court of Malolos, Bulacan, Branch 21, in LRC Case No. 3681-M.

SO ORDERED.

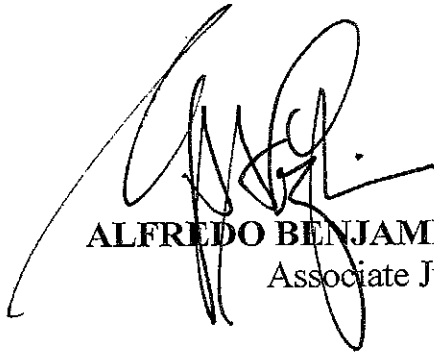

SAMUEL H. GAERLAN
Associate Justice

¹¹³ The provision states: Lands added to the shores by accretions and alluvial deposits caused by the action of the sea, form part of the public domain. When they are no longer washed by the waters of the sea and are not necessary for purposes of public utility, or for the establishment of special industries, or for the coast-guard service, the Government shall declare them to be the property of the owners of the estates adjacent thereto and as increment thereof. *Heirs of Navarro*, supra note 94.

WE CONCUR:



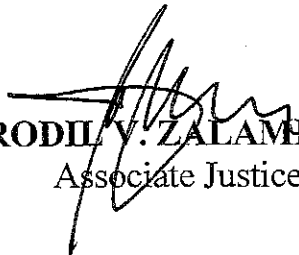
DIOSDADO M. PERALTA
Chief Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ROSMARIE D. CARANDANG
Associate Justice



RODIL Y. ZALAMEDA
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Chief Justice